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Held at the Palais des Nations, Geneva,
on Thursday, 8 March 1984, at 10 a.m.

Chairman: Mr. KOUIJMANS (Netherlands)

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The meeting was called to order at 10.25 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1984/10, 18, 25 and Corr.1, 26-30, 32, 49, 50, 54, 57, 63, 67 and 68; E/CN.4/1984/NGO/1, 3, 6, 7, 9, 16, 17, 25, 27, 29 and Add.1, 30 and 38; A/38/538; E/CN.4/1984/L.66 and L.74)

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)
(E/CN.4/1984/31; E/CN.4/1984/NGO/10 and 42)

1. Mr. LEBAKINE (Ukrainian Soviet Socialist Republic) noted that, unfortunately, that year the Commission had to deal yet again with the situation in certain Central American countries, and in particular, in El Salvador and Guatemala, where human rights continued to be violated on a massive scale. Despite the restraint shown by the authors of the reports on those countries (E/CN.4/1984/25 and Corr.1 and E/CN.4/1984/30 respectively), one was compelled to conclude that the situation had not improved.
2. The Special Representative of the Commission instructed to investigate the situation in El Salvador stressed that human rights and, in particular, the right to life, continued to be violated on a large scale in that country (E/CN.4/1984/25 and Corr.1, paras. 155, 168, 169 and 170). Violence, terror, repression and massacres continued to be a daily reality. In the course of the past year, 4,700 persons had been killed by the groups of bandits known as "death squads" and by other elements. A recent article in the Washington Post had reported the "death squads" to be manipulated by the CIA, which had trained them since 1954. Those semi-military organizations had since sought to destroy all those who were opposed to the repressive regimes in power not only in El Salvador, but also in Guatemala and Honduras. Although those gangsters had murdered 40,000 people in all in El Salvador, they were not and would never be punished since, according to an article published in the International Herald Tribune on 5 March, they were protected by the soldiery of the regime in power and by a foreign Power.
3. There had therefore been absolutely no return to democracy and to legitimacy in El Salvador, despite the misleading statements put out by the United States Government in order to obtain increased military appropriations from the Congress for the dictatorship of El Salvador. The United States also provided aid to the pro-Fascist regime in Guatemala, with which it worked openly since the obstacles in its way had been removed on 7 January 1983. According to the New York Times, the United States was preparing to supply equipment worth \$2 million to Guatemala. At the same time, the military co-operation between Guatemala and Israel was developing, and the Guatemalan armed forces now used weapons of Israeli origin as well. The reactionary forces were seeking to terrorize the Guatemalan people and to deprive the progressive partisans of any support, by means of their genocide and scorched-earth policies. From 1954 to 1982, in Guatemala, more than 83,000 people had fallen victim to the pro-Fascist policy of the ruling oligarchy and its soldiery, who had destroyed entire rural populations without any qualms. The struggle was, however, continuing against the dictatorship in a climate of acute social and economic crisis. The cost of living had soared, 40 per cent of the active population was unemployed and the rights of the workers were totally disregarded.

4. The Committee was therefore duty bound to continue to review the situation in El Salvador and Guatemala and to take all necessary action to stop the violations and end that arbitrary policy. The Commission should, at the same time, try to ascertain why bloodthirsty regimes remained in power in the region. Everyone was aware that those dictatorships enjoyed the protection of a foreign Power, the United States, which had always regarded the countries of the region as a reservoir of cheap labour. It had therefore set up affiliates of its transnational corporations, such as the famous United Fruit Company, and had replaced Governments by regimes more to its liking. The transnational corporations had extracted huge profits from those countries, which they had kept in a deplorable state of economic and social stagnation.

5. Foreign domination would not continue indefinitely, however, and the revolution was making good progress in Latin America. The Cuban people had won a victory, the Somoza regime had been overthrown in Nicaragua and patriotic forces were winning other victories, particularly in Guatemala. The United States was, however, seeking to curb the struggle of the peoples of Latin America against foreign oppression by methods ranging from political blackmail to economic pressure, acts of sabotage and, ultimately, direct military intervention. It would be recalled that the United States had overthrown the progressive regime established in Guatemala in 1954, bloodily crushed the Dominican people who had been fighting against the Trujillo dictatorship, imposed a Fascist regime in Chile and assisted all the anti-popular regimes by supplying them with military aid. In defiance of democracy, the United States maintained dictators in power in countries which thus became nothing less than a prison for the people. By giving those regimes greater military assistance, the United States believed it could protect its investments and its strategic activities in the region.

6. It might also cause surprise that Cuba was denied access to the headquarters of the Organization of American States, while Israel enjoyed the status of observer to that body. However, the Tel Aviv regime seemed to be the most faithful friend of the Central American dictatorships, particularly Honduras, El Salvador and Guatemala, to which it supplied weapons. The United States Congress had set a limit on the aid given to the Fascist regimes of Central America, but the reduction was counter-balanced by the sizeable financial resources and deliveries of weapons that Israel made available to those countries, using funds provided by the United States.

7. In order to intervene in the region, the United States was apt to invoke its concern to halt violations of human rights. However, the defence of human rights was merely a misleading pretext which had enabled it to oppose the independence of Grenada, a country which it was still occupying. Under the cloak of a process of democratization in Central America, it carried out in effect a reactionary policy. Although the United States frequently talked about the hand of Moscow or Havana, Communist propaganda and the need to guarantee their own security, the peoples of Latin America and the rest of the world were becoming more and more convinced that the sole concern of American imperialism was to impose violence and Fascism. The Ukrainian SSR unequivocally condemned the policy of setting up anti-popular regimes in Latin America. As a start, the Commission should request the United States to withdraw its forces from Grenada immediately and unconditionally, so that the people of that island might decide its future in complete independence.

8. Mr. MAVROMMATIS (Cyprus) said that the invasion and occupation of almost 40 per cent of the territory of the Republic of Cyprus by Turkish troops in 1974 had been followed by a series of gross and almost unprecedented violations of the human rights and fundamental freedoms of the indigenous inhabitants of the island, including murders, rapes, missing persons, destruction of property and the transformation of one third of the inhabitants into displaced persons or refugees in their own country. The refugees, in particular, were denied all their rights. The Government of the Republic of Cyprus had therefore turned to the European Commission of Human Rights and the United Nations Commission on Human Rights which had considered the question of human rights in Cyprus since 1976. At its thirty-first, thirty-second and thirty-fourth sessions, the Commission had adopted resolutions calling for strict adherence to the Charter and the relevant international instruments, the restoration of their rights to the people of Cyprus, with particular reference to the right of refugees to return to their homes, and investigations in respect of missing persons. For lack of time and various other reasons, the discussion had had to be postponed. Since the resolutions in question had still not been implemented and there had been an attempt to declare illegally and unilaterally the occupied part of Cyprus to be independent on 15 November 1983, it was imperative to consider the situation in Cyprus today.

9. His delegation therefore proposed to update the information submitted on the subject by the secretariat (see E/CN.4/1984/31), in the hope that Turkey would heed the Commission and agree to withdraw its troops, which were the main obstacle to an improvement in the situation in Cyprus. It had been stated repeatedly that the presence of occupation forces and respect for human rights could not be reconciled. His delegation would do its utmost to avoid any politization and polemics, in the interests of the restoration of human rights and in order to contribute to all peaceful efforts deployed in that direction.

10. One was, unfortunately, compelled to conclude that not a single right had been restored, not a single refugee had been allowed to return to his home and not a single missing person had been accounted for. In fact, there had been a very considerable retrogression in the situation, which had culminated in the unilateral declaration of independence. There appeared, however, to be a glimmer of hope that as a result of his Government's conciliatory attitude, the Committee on Missing Persons in Cyprus would achieve results when it resumed its work shortly. His Government, which would continue to co-operate with the Committee, hoped that there would be no politization of that aspect of the problem.

11. It was deplorable that of the 20,000 enclaved persons who had been in the occupied areas when the Commission had adopted its first resolution on the question in 1976, only 868 remained, the remainder having been forced to seek refuge in the free areas of the Republic of Cyprus. The situation of the persons who had remained continued to be dramatic and it should be noted that, in point of fact, well over 200,000 inhabitants had had to flee earlier. The plan to force every Cypriot out of the occupied areas so that they might be usurped had reached its final stage. That had been an attempt to change the demographic structure of the occupied parts of Cyprus by establishing some 40,000 Turkish settlers, whereas the total Turkish Cypriot population had been about 120,000 persons. Now, therefore, one child out of every four was born of parents who were colonizers. The myth of seasonal employment was no longer even invoked in an area with an alarming rate of unemployment, and settlers were being naturalized en bloc. Hardly two weeks before, 7,000 former Turkish soldiers had thus been naturalized, whilst the best land belonging to Greek Cypriot refugees was being confiscated for the benefit of the settlers. To consolidate the division and

prepare the unilateral declaration of independence, a number of measures had been taken in the occupied areas in 1983 such as the introduction of the Turkish lira as the official currency (the Cyprus pound being treated as foreign currency), the establishment of a central and development bank and the allocation of property belonging to Greek Cypriot refugees to Turkish Cypriots and Turkish settlers.

12. The decision published in respect of the violation of human rights in Cyprus by Turkey and the declaration as admissible of the third application in that regard by a body as respected and impartial as the European Commission of Human Rights had further confirmed, if confirmation had been needed, the deteriorating situation in Cyprus. After holding consultations, the European Commission of Human Rights had communicated its report to Governments early in February. Although the report could not be quoted, since it was confidential, the fact that the Commission had published its decision had been considered by all as an indictment. Although Europe took much pride in its record on human rights, it was a sad fact that the decision had no more been implemented than had the three resolutions adopted by the United Nations Commission on Human Rights.

13. On 15 November 1983, the occupied part of Cyprus had unilaterally and unlawfully proclaimed its independence, with the encouragement of Turkey which had recognized it officially on the same day. Turkey was the only country to have done so.

14. His delegation had already had the opportunity to state its view on the unilateral declaration of independence and the misleading invocation of the sacred rights of peoples to self-determination in order to dismember States. If the declaration had succeeded, it would have created a precedent that was tragic and dangerous for Turkey itself. In calling, in resolution 541, for the withdrawal of the null and void declaration, the Security Council had conclusively settled the matter in accordance with the Charter and international law. Yet, instead of immediately applying that mandatory resolution, Turkey and the Turkish Cypriot leaders had set up a so-called constituent assembly and a so-called Government and had attempted to introduce undemocratic notions into the situation, drawing on practices that were unacceptable everywhere else.

15. Without reverting to the moral and legal aspect of the unilateral declaration of independence, to which it had already referred in the context of item 9, his delegation wished to stress another aspect of the human rights situation in Cyprus which was far worse than mere retrogression. The only reply to the series of resolutions adopted on Cyprus by the Security Council, the General Assembly and the Commission had been a unilateral decision that human rights would not be restored in that country and that the refugees would never return to their homes and their property. Thus, an attempt was being made to perpetuate violations of human rights brought about by force and to proclaim that people could be deprived of their rights ad infinitum, in disregard of the entire world. The present human rights situation in Cyprus therefore went far beyond deterioration and retrogression.

16. Nevertheless, the delegation did not despair and reaffirmed its dedication to the principles long defended by the Commission. The Government and people of Cyprus would not succumb to force, whatever illegal acts were perpetrated by Turkey. They would not cease their just and peaceful struggle to ensure that the rights of all Cypriots were respected, with the assistance of the international community. His delegation appealed to all to join in achieving that objective. Even if countries could afford to disregard world opinion for a certain time, they could not do so for long and on all occasions.

17. Mr. EZQUERRA CALVO (Spain) recalled that for the first time, a set of principles constituting the common ideal of nations for building a world based on the recognition of human dignity had been proclaimed in the Universal Declaration of Human Rights. Since that time, the United Nations had striven to implement those principles through the international human rights instruments. The fact that those rights continued to be violated blatantly and systematically should not, however, discourage but rather stimulate more resolute efforts.

18. The right of everyone to life and, consequently, security, was of prime importance. The Universal Declaration of Human Rights prescribed that everyone was entitled to a hearing by an independent and impartial tribunal and the International Covenant on Civil and Political Rights specified that no one should be arbitrarily deprived of his life. The General Assembly had condemned in several resolutions the practice of summary or arbitrary executions, which was one of the most serious violations of the Declaration and the international human rights covenants. His delegation fully supported the efforts deployed by the international community to prevent such executions and to protect the security of persons who were in detention and to guarantee them fair and regular proceedings. Where capital punishment still existed, it should never be applied unless the rights of the detained person had been strictly guaranteed and he had been tried in a just and impartial manner, observing the established procedure and providing for a possible review of the verdict. Spain had already had the opportunity to transmit its comments on the very important report by Mr. Wako on summary or arbitrary executions (E/CN.4/1984/29). It hoped that the Commission would extend the mandate of the Special Rapporteur and continue to study those practices in order to help to eliminate them.

19. His delegation was also deeply concerned at the fate of millions of persons throughout the world who were caught up in mass exoduses or vast population movements. Spain, which was a party to the Convention relating to the Status of Refugees, was aware of the role played by large-scale violations of human rights and fundamental freedoms in such movements, which created a heavy burden for the host countries, particularly when they were developing countries. However, the world economic crisis which was having particularly acute repercussions on economically less advanced countries was not unconnected with the population movements. His Government was aware of the economic and social inequalities existing among countries and considered that the establishment of a new international economic order which would enable them to be corrected was essential. At the same time, the crisis, which was also affecting the developed countries, had caused them to take measures restricting immigration - which could only worsen the situation of the over-increasing number of people from the poorest countries. His delegation wished to express its appreciation of the work of the Special Rapporteur, Prince Sadruddin Aga Khan. It believed that the recommendations in his report were likely to forestall further mass exoduses and to lessen the unfortunate consequences of those that had already occurred. In any event, it believed that it would be desirable in the future to make systematic use of the data available on known mass population movements and hence seek constructive and effective solutions. In the meantime, his delegation drew attention to the obligation of all States to respect the established principles of international law concerning the protection and assistance of victims of such movements. It was persuaded that a strict observance by all countries of the provisions of the Universal Declaration of Human Rights and the international human rights covenants would help to eliminate the root causes of the mass exoduses.

20. With regard to the particular human rights situations before the Commission, it was important that any individual in any country should be able to have recourse to machinery which would prevent his rights from being breached or, if they were breached, to obtain redress, even if the party responsible was the State. It was unquestionably one of the tasks of the United Nations, through the Commission, to consider serious, flagrant and systematic violations of human rights, wherever they occurred, since contrary to what some people claimed, brandishing Article 2 (7) of the Charter, intervention in the domestic jurisdiction of States was not involved.

21. His delegation was grateful to the Under-Secretary-General, Mr. Patricio Ruedas, for his report on the situation in Poland (E/CN.4/1984/26). His delegation found it encouraging that the Polish Government had furnished information to the Secretary-General, but regretted that it had not done so in response to the Commission's resolutions. The tone and conclusions of the report, which indicated a process of change, justified a certain hope, as in respect of the series of measures adopted by the Polish Government in July 1983, particularly the lifting of martial law and the promulgation of the law on amnesty. Unfortunately, legislation promulgated simultaneously and subsequently somewhat diminished that hope. The incorporation of the "state of emergency" in the exceptional situations already prescribed in earlier legislation would not have had any particular significance, had it not given the Polish authorities a new means of suspending, if need be, constitutional normality. The special legislation promulgated in order to overcome the social and economic crisis restricted the exercise of certain fundamental rights, particularly freedom of association. The amendments to the Penal Code imposed new limits on freedom of association, expression and opinion. His delegation hoped that the new law on the press would in effect promote the freedom of the press. It took note of the conclusion concerning the review of prison sentences, but also noted that three months after the lifting of martial law, several hundred persons were still in detention on political grounds. To sum up, Spain would like the process of liberalization begun in Poland to continue and develop so that respect for all human rights and all fundamental freedoms was really guaranteed in that country.

22. His delegation had taken note of the report of the Secretary-General on the question of human rights in Cyprus (E/CN.4/1984/31). In its opinion, it was essential that the machinery set up to shed light on the forcible or involuntary disappearances of persons should begin to operate. It hoped that the Greek Cypriots and Turkish Cypriots would implement their undertaking to respect the mandate of the Committee on Missing Persons in Cyprus, as well as their stated desire for it to embark on substantive work. It hoped that both parties would honour the commitment they had made once more to refrain from any activity that might hamper the work of the Committee.

23. His delegation shared the concern of the international community at the human rights situation in the Islamic Republic of Iran, particularly that of certain ideological, ethnic and religious minorities, as reflected in the information contained in the report by the Secretary-General published in document E/CN.4/1984/28. It regretted that it had not been possible to corroborate the information at first hand, because of the persistent refusal by the Iranian Government to agree to a visit by a representative of the Secretary-General who, however, it had agreed to receive.

24. Further, his delegation was extremely disturbed by the inter-community confrontations that had convulsed Sri Lanka in July 1983, leading to heavy losses of human life and serious damage. It associated itself with the delegations in the Commission that had issued an appeal for respect for human rights in that country, while recognizing the diligence with which the Sri Lanka Government had furnished the information which the Sub-Commission on Prevention of Discrimination and Protection of Minorities had requested in resolution 1983/16. It believed that the Sri Lanka Government would continue its efforts to find peaceful methods of resolving the Tamil question, in the interests of national unity and full respect for the human rights and fundamental freedoms of all the inhabitants of Sri Lanka, whatever the community or ethnic group to which they belonged.

25. The Spanish Government and people were concerned about all systematic violations of human rights, but they were particularly sensitive to those committed in countries with which, historically, Spain maintained long-established cultural relations. That was why his Government was particularly interested in the implementation of the plan of action proposed by the Secretary-General to assist the restoration of human rights and fundamental freedoms in Equatorial Guinea. It had high hopes of the contacts which the Government of Equatorial Guinea and the Secretary-General had established for that purpose and it was grateful to Messrs. Hernández Valle and Laguardia for the mission they had carried out. His delegation was confident that the authorities of Equatorial Guinea would shortly transmit to the Secretary-General the information which had been requested, under Economic and Social Council resolution 1983/35, on the measures planned by the Government and the assistance which the United Nations could give it.

26. Spain's interest in the future of the peoples of Latin America was equalled only by its concern with its own future. It wished them a peaceful and prosperous future, which presupposed the establishment and maintenance of free and pluralistic democracies based on scrupulous respect for human rights and fundamental freedoms and on the rule of law. Those who claimed that it was impossible to have such democracies in Latin America were mistaken: the example of Argentina was irrefutable proof.

27. His delegation wished to convey its gratitude to the Special Rapporteur on the human rights situation in Guatemala for his report (E/CN.4/1984/30). It found the Guatemalan Government's co-operative attitude to be constructive and was gratified to see that measures had been taken which might indicate a desire to take other measures to better guarantee respect for human rights. However, his delegation was not entirely in agreement on certain parts of the report. According to the information available to it, the departure of certain priests from the province of Quiché had been due to persecution and threats by various military and paramilitary groups and which had culminated in the murder of three priests. The bishop of the diocese himself had been compelled to leave the country following serious threats. Moreover, the limitations imposed on freedom of movement and freedom of residence could not be justified by the alleged benefits for the indigenous population by moving and establishing it in "model villages". His delegation also had serious reservations concerning the desirability and effectiveness of setting up civilian patrols. The recommendations by the Special Rapporteur might well improve the present situation in Guatemala, but his delegation would have considerable hesitation in accepting them as they stood. For instance, his delegation would like to have the firm assurance that the rural development plans elaborated by the Guatemalan Government would be intended simply and solely to improve the living conditions of the population and

not to serve the purposes of the campaign to combat the insurrection. Moreover, support for those plans would be tantamount to endorsing the system of "model villages" and to supporting certain projects which merely prescribed technical reforms rather than specific agrarian reform, which was essential to ensure that ownership of the land was divided fairly. As far as Recommendation 2 was concerned, his delegation considered that it was rash to ascribe the instability of reforms and investments to insurrection and subversion, thus obliterating the main cause of that situation, namely the succession of military regimes and the absence of genuinely reformist legislation, particularly in the agricultural sector. His delegation did not believe that it was objective to ascribe the difficulties which the smooth and impartial conduct of the electoral process proposed by the Guatemalan Government might encounter to the demands made by some political forces, particularly if one bore in mind that the conduct of successive Governments in recent years had hardly been calculated to make the elections organized by them credible. In the view of his delegation, only the establishment of a democratic Government, the outcome of a genuinely free election in which all Guatemalan political parties would participate, could resolve the problem once and for all.

28. With regard to the situation of human rights and fundamental freedoms in El Salvador, his delegation was grateful to the Special Representative for his balanced and objective report (E/CN.4/1984/25) and it took note of the co-operation of the Salvadorian Government. The establishment of a governmental Human Rights Commission and the proclamation of the amnesty law would seem to attest to the desire of the Salvadorian authorities to improve the human rights situation in the country. His delegation, like the Special Representative, noted with concern that there was still a considerable gap between the intentions of the Government and the ability to achieve results, particularly since the state of siege continued to be extended regularly. The amnesty measures had led to a reduction in the number of political prisoners, but the hopes they had roused had been dashed by the fact that after their release, people had been rearrested and some of them, apparently, had been murdered. His delegation was also concerned at the information to the effect that the governmental Human Rights Commission might be ineffective in the case of political murders attributable to the security forces. In any case, the persistent, serious and large-scale violations of human rights, particularly the right to life, were continuing: the bombing of civilian targets could not be justified; the large number of murders was alarming, regardless of whether they were the work of the guerrilla or government forces; the collective murders and killings of civilians that could be ascribed to the armed forces, the security services and paramilitary groups, particularly the "death squads" which appeared to have been more active recently, were particularly reprehensible. It was absolutely essential that the specific measures announced by the Government to dissolve those armed groups of assassins were implemented immediately. The Special Rapporteur noted the considerable number of cases of torture, intimidation of doctors, the many abductions and involuntary disappearances of persons, responsibility for which in most cases was attributed in the report to governmental institutions. The passivity and helplessness of the courts in respect of violations of human rights was unjustifiable. The decision concerning the elaboration of the new criminal legislation must be implemented as a matter of urgency, so that justice might be dispensed with dispatch and independence and so that juries might discharge their functions free from fear or intimidation. The exercise of social and economic rights should also be guaranteed in order to give fresh impetus to the economic structure of El Salvador. The Government must implement an appropriate and effective plan of reform, including agrarian reform, and the guerrilla forces must desist from committing systematic acts of sabotage and violence against the

economic structure and must stop press-ganging young people, and in that way amputating the productive forces of the country. The establishment of a genuine democracy in El Salvador entailed the restoration of civil peace, a negotiated peace which would end the conflict once and for all. The forthcoming elections might have offered the present Salvadorian Government an opportunity of initiating such a peace, but the breaking off of the talks with the opposition and the non-existence of social peace, as well as of a reliable census, were factors which might affect the proper conduct of the electoral process. While awaiting such a civil peace, the humanitarian international rules of the law of war must be applied scrupulously. His delegation supported the recommendations contained in the report and considered that they needed to be implemented urgently.

29. Mr. KLENNER (German Democratic Republic) noted that one of the peculiarities of the agenda item under discussion was that it was used by Member States of the United Nations to defend a concept of human rights that served a policy of international confrontation. The fundamental objective of any application of human rights - in other words, the implementation of the provisions of article 28 of the Universal Declaration of Human Rights - was perverted when countries cynically used the question of human rights in an attempt to legitimize their claim to leadership or to interfere in the internal affairs of other States. In fact, the exercise of human rights, including the right of peoples to self-determination and the right of individuals and peoples to live together in peace was a prerequisite for coexistence, since human rights could not flourish in a state of war or an environment of cold war.

30. That was why his delegation believed that when the Commission considered the item under review, it should concentrate on its inherent and essential tasks, namely, the consideration of massive and flagrant violations of human rights of peoples and persons, with particular reference to colonial and other dependent countries and territories. It did not redound to the honour of the Commission that States posed as guardians of virtue by making judgements in respect of other States, while their own territory was the scene of massive violations of human rights and they had dared to ratify neither the International Convention on the Elimination of all Forms of Racial Discrimination nor the International Covenant on the Suppression and Punishment of the Crime of Apartheid. It was similarly unacceptable that those States, which assigned priority to military rather than social spending, had recourse to a selective morality, characterized by an arrogant and hypocritical attitude to developing countries which, after centuries of colonial domination, lacked the means of implementing many aspects of civil and social rights. It was inappropriate for the former colonial Powers in their relations with their former colonies or for capitalist States in their relations with socialist States to dictate what was right and what was not at the international level. Coexistence among individuals and peoples could be based only on equal rights. In that connection, his delegation had been astonished at the statement made at an earlier meeting by a country that posed as the champion of human rights throughout the world.

31. The German Democratic Republic was of the opinion that the Commission ought not to deviate from its mandate, any more than should other United Nations organs. However, that was what it had done when it had adopted resolution 1983/30, entitled "Situation of human rights in Poland". Its action constituted interference with the process of stabilization undertaken by the Polish Government. The Polish People's Republic which was, inter alia, a party to the 1966 international human rights covenants, had adhered to all international rules and obligations. In an astonishingly short period of time, the Polish Government had been able to lift the state of emergency decreed to restore the exercise of human

rights which had been endangered, not by the Government, but by internal and external counter-revolutionary forces. It was an achievement that deserved recognition. Even the report on the situation of human rights in Poland (E/CN.4/1984/26), prepared in violation of international law, furnished no proof that the situation in Poland, where the Government was in the process of resolving complex problems, would warrant the slightest study under the agenda item currently being considered. It was rather the contrary that was true. Those who were seeking to tear Poland away from the community of socialist countries and who, for that purpose, had launched a campaign of slander backed up by economic blackmail, were undermining both the objective and subjective conditions for the implementation of human rights in a sovereign Member State of the United Nations. Such was the goal of the draft resolution published in document E/CN.4/1984/L.66.

32. It was a harsh reality of contemporary history that such a policy of interference, extending to human rights, was pursued by the very country which, through its economic, financial and military engagement, had prevented the regimes of terror that flouted human rights in El Salvador and Guatemala from being overthrown long ago by the peoples of those countries who, as a last resort, had been compelled to have recourse to rebellion against tyranny.

33. The human rights situation in certain Latin American countries was particularly catastrophic. In the background, there was the policy of aggression of the United States of America, as reflected in the aggression against Grenada, the undeclared war against Nicaragua, boycott and threats against Cuba, increasing military aid to reactionary regimes and support to counter-revolutionaries; involving gross and systematic violations of the right to life of entire population groups. In 1983, more than 10,000 people had fallen victim to the terror exercised by the regimes in El Salvador and Guatemala. In the course of the first six months alone, more than 3,000 civilians had been murdered in El Salvador by the "death squads", whose members were recruited mainly from the military; in the second half of the year, on average 120 people had been killed every week. Those figures had been given by six United States human rights organizations and by the Legal Aid Office of the Catholic Church in El Salvador. Those organizations had also drawn attention to the increasing number of arbitrary arrests. During the first half of 1983, 554 persons had been detained without any reason and tortured; 324 persons were missing. In addition, there had been a considerable step-up in military operations and in the activities of paramilitary gangs. Since the University of San Salvador had been closed three years earlier, at least 40 professors and lecturers had fallen victim to the regime's murderous terror; another 100 professors, scientists and students had been abducted, and there had been no news of them. A work published in Costa Rica in mid-1983, gave the names of 3,000 Salvadorians who had been detained by order of the Government between January 1979 and June 1983 and who had been "missing" since. Four hundred thousand Salvadorians, or 8 per cent of the population, had fled the terror or lived in miserable conditions as refugees in their own country. The repressive policy pursued by the regime had forced 600,000 Salvadorians into exile.

34. The situation in Guatemala was just as horrifying. In the space of one year, 15,000 people had been killed and, according to one source, in Guatemala City alone, six persons were murdered every day; most of the corpses showed signs of torture. In the first week of February, 77 people had been killed, 35 of them by soldiers and members of the "death squads".

35. The steadily growing military budget of the Guatemalan Government was entailing cuts in the budget for education, health and other social services, exacerbating social problems still further. The situation was such that 100,000 Guatemalans had fled to Mexico. The refugees in Guatemala itself had been herded in virtual concentration camps, where they were suffering from hunger and diseases.

36. The extermination campaign pursued by the regime was directed particularly against the Indian population, which accounted for approximately 70 per cent of the total population. The reign of terror, with its attendant murders, persecution, abduction, unlawful detention and torture, had continued unabated after the putsch of 9 August 1983.

37. The report on the situation of human rights in Guatemala (E/CN.4/1984/30) only partially reflected the true situation in that country, which had been the subject of a document published in Geneva on 28 February by Guatemalan opposition circles; it would be interesting to hear the Special Rapporteur's view on that document.

38. His delegation considered that the unemployment rife in the industrialized capitalist countries unquestionably constituted a systematic and massive violation of the right to work. A recent OECD study indicated that in the 24 leading industrialized capitalist countries, the number of unemployed had risen from 8 million in 1973 to 34 million at present, or 10 per cent of the active population; further, a growing proportion of the young generation was denied access to the labour market and, in the 12 leading OECD countries, one out of every five young persons had neither training, profession nor employment; finally, even with the current, albeit questionable, prospects of a revival, the situation on the labour market would deteriorate further. That was the gist of the study.

39. It had long been proved that imperialist superarmament did not create jobs, but rather consumed considerable financial and scientific potential and resources. While the existence of millions of people was threatened, arms manufacturers were accumulating ever higher profits.

40. The unemployment in the Western highly industrialized countries was not merely a flagrant violation of the right to work. It also prevented the enjoyment of almost all human rights, affecting the quality of life and the right to self-determination of the people concerned. It was high time for the Commission to study, under item 12, a definition of the responsibilities of highly industrialized States to preserve and create jobs. To dispense States from that responsibility would be tantamount to dispensing them from the responsibility to promote, respect and protect human rights, and would therefore contravene the obligation of States, under the Charter of the United Nations, to enable everyone to enjoy their civil and political rights as well as economic, social and cultural ones.

41. The members of the Commission must seek to protect and promote the right to self-determination and to safeguard the rights of their peoples. Furthermore, only if they were subordinated to the basic idea of peaceful coexistence of peoples did human rights acquire their true stature in the relations among States. The Committee ought never to forget that when it was studying agenda item 12.

42. Mrs. OGATA (Japan) said that while efforts had been made in many parts of the world to promote civil, political, economic, social and cultural rights, armed conflict and serious internal disturbances had continued to endanger the most basic right, the right to life. Since the Commission on Human Rights was unable to study all the violations of human rights that occurred throughout the world, it had decided to consider the most serious ones. Her delegation did not believe that it was the Commission's role to pronounce a verdict, or simply to deplore or to condemn certain practices, but essentially to assist peoples and Governments involved in serious problems of human rights. She was therefore gratified that the reports submitted under agenda item 12 had the common approach of constructive criticism and advice.

43. Her delegation noted with satisfaction that the Government of El Salvador had continued to co-operate with the Special Representative on the situation of human rights in El Salvador, as reflected in the latter's report (E/CN.4/1984/25). It therefore regretted all the more the persistence of serious and massive violations of human rights, and particularly of the right to life, which was attested in the report by an astounding number of cases of political murders, torture and cruel inhuman or degrading treatment, abductions, disappearances and detention of political opponents.

44. Her delegation was particularly concerned about the fact that, in El Salvador, the Government forces, extreme left wing guerrillas and right wing elements which supported the Government were massively and indiscriminately murdering non-combatants. It wished to stress, first, that the restoration of peace and public order was a prerequisite for the cessation of inadmissible violations of human rights, especially the right to life, and that the strict observation of the 1949 Geneva Conventions to which El Salvador was a party, and article 3 of which was applicable to the conflict tearing it apart, was of paramount importance. The Commission should appeal for greater observance of the principles of those Conventions. The fact that the Salvadorian Government had indicated its intention of improving the human rights situation offered a glimmer of hope. It was also encouraging to see that it had begun to undertake major economic and political reforms and was endeavouring to ensure a more effective functioning of the judicial system. It was to be hoped that the desire of the Government to seek a political solution to the armed conflict by democratic procedures would be reflected in a tangible manner. Her delegation supported the recommendations set forth in the final report on the situation of human rights in El Salvador and appealed to all the parties involved to desist from endangering the right to life and from breaching the other fundamental human rights, particularly those of the civilian population.

45. Turning to the report on the situation of human rights in Guatemala (E/CN.4/1984/30), she noted with satisfaction that the Guatemalan Government had co-operated with the Special Rapporteur, thus enabling him to visit remote areas that were often inaccessible, in order to examine the situation.

46. Her delegation agreed with the Special Rapporteur that social inequalities and economic injustice were the underlying causes of the disorders in Guatemala. The population, which had suffered greatly, particularly the indigenous population, had little opportunity for exercising its civil and political rights as long as the economic, social and cultural situation did not improve; that was why the reforms undertaken by the Government of Guatemala since March 1982, mainly in agrarian matters, and the resettlement and improvement of the lives of the rural populations should be welcomed. She hoped that it would continue to take vigorous measures to resolve the underlying problems of Guatemala and, in that regard, she fully supported Recommendations 1 to 3 by the Special Rapporteur.

47. Political insurrection and subversion nevertheless permanently destabilized the effectiveness of the reform, a state of affairs that broadly coincided with the presence of a military Government. It was encouraging to note that the Government had moved towards restoring constitutional normality with the establishment in June 1982 of a supreme electoral tribune entrusted with the task of reorganizing the electoral system. Such reform was of fundamental importance in order to create the conditions suitable for the protection of all human rights. Needless to say, the task was not an easy one, but one might hope that the difficulties would be transcended and that the internal strife would end in order to make way for a democratic way of life. The Special Rapporteur underlined the importance of restoring freedom of speech, the freedom of the press and trade union freedoms, a view which her delegation shared.

48. The persistent violations of the rights of individuals continued to be a matter of concern, particularly the disappearances, killings and kidnappings as well as a whole range of inexpedient activities carried out by the army, police and other security forces. While as the Special Rapporteur noted, it was true, that all the allegations and rumours might be difficult to verify, it was vital for the Government to devise a system of inquiry which would be both effective and convincing. The international community should continue to monitor and encourage the efforts of the Guatemalan Government and her delegation thought that the mandate of the Special Rapporteur should consequently be extended.

49. Turning to the situation in Poland, she was encouraged by the fact that the Secretary-General, and earlier two Secretariat officials, had been able to visit Poland to meet representatives of various segments of society. She also welcomed the lifting of martial law and the approval of the law granting amnesty last July since, like the Special Rapporteur (see document E/CN.4/1984/26), she believed that those measures had created conditions favourable to a reconciliation within Polish society.

50. While the number of persons detained for political reasons had declined considerably over the last year, some people sentenced under the martial law continued to be detained and some were still in detention temporarily or for investigation. It was also disturbing that certain legislation, although temporary in character, granted extensive powers to the authorities in several domains, made it possible to restrict the rights and freedoms of workers and provided for disciplinary measures.

51. Her delegation awaited with interest the conclusions of the inquiry conducted within the purview of the International Labour Organisation on freedom of association and trade union rights. It thought that there was good reason for the Commission to continue consideration of the situation in Poland and hoped that the Government of that country would be prepared to co-operate with the Secretary-General. There were grounds for optimism, since the Secretary-General had found what he had heard in Poland to be very encouraging on all fronts.

52. Since the Sub-Commission on Prevention of Discrimination and the Protection of Minorities had recommended that the Commission should study this situation in Sri Lanka, her delegation wished to state how much it deplored the racial disorders which had resulted in considerable loss of life and destruction of property in June 1983. It had noted with satisfaction in the memorandum by the Sri Lanka Government (E/CN.4/1984/10) that the latter had launched a relief plan for the

victims and that action had been taken to punish the offenders and prevent the recurrence of such incidents. The organization by the President of Sri Lanka of a conference of all the political parties was a welcome initiative.

53. In his revised and updated report (E/CN.4/1984/29), the Special Rapporteur on summary or arbitrary executions had divided the situations in which such executions had taken place into five categories, giving examples for each, and had analysed the background and identified the factors likely to create conditions conducive to the phenomenon. The factors identified were extremely diverse. The analysis indicated that the problem must therefore be approached from many different angles. Although the report was extremely useful, it would, nevertheless, be helpful to analyse internal legislation more thoroughly, particularly laws on procedure. If, as the report stated, there was a dichotomy between the actual practice of States and their legislation, further consideration should be focused on the kind of mechanisms to prevent such practice within the legal systems of those States.

54. The Special Rapporteur was convinced of the need to have some mechanism to monitor practices or situations of summary and arbitrary executions. Her delegation considered that the concept of such a mechanism should be studied carefully. There might well be other ways and means, and they should be sought. Finally, noting that the practice of summary or arbitrary executions continued to be a very widespread phenomenon, her delegation wished to stress the need to keep the matter under review, and to give special attention to ways and means of reducing and finally eliminating such an abhorrent practice.

55. Recalling that her delegation had drawn attention during the thirty-ninth session of the Commission to two aspects of human rights problems related to mass exoduses, namely, the pre-flow phase which called for preventive measures and the post-flow phase which called for protection of the rights of the refugees, she said that the question deserved further study, including study from the angle of effective international arrangements. Her delegation was gratified to learn that the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees was about to begin its substantive work, and hoped that it would give due consideration to the studies already conducted, and the comments by governments and United Nations bodies, particularly the Commission on Human Rights.

56. Mr. LECHUGA (Cuba) said that El Salvador and Guatemala were typical examples of human rights violations by governments which served foreign interests rather than national ones. In El Salvador, the governmental forces, which did not take prisoners when there was fighting, were also bombing the civilian population. They abducted and murdered those who did not co-operate with them. Responsibility for the massacres was shared between the army and the "death squads". The report on the situation of human rights in El Salvador (E/CN.4/1984/25) stated that according to Christian Legal Aid, during the period from 1 January to 30 June 1983, there had been 2,823 arbitrary executions of civilians, 1,657 executions being attributed to the army, 1,052 to paramilitary groups and 114 to "civil defence" organizations. Again according to the report, a high-ranking Church authority attributed 4,736 murders to the armed forces and the right-wing "death squads". Everyone was aware, however, that in El Salvador, thousands of people had been murdered and tortured, and that the United States authorities granted millions of dollars of financial aid in proportion to the number of citizens killed and tortured, thus making the case of El Salvador unique in history. It should be

stressed that the Salvadorian repressive machinery could not exist without the support of the United States Government, which refused any political solution to the nightmare which the population was living.

57. While the report by the Special Representative (E/CN.4/1984/25) was by no means a comprehensive one, it conveyed an idea of the situation in El Salvador, which was particularly difficult to study in detail. The Salvadorian Government which unquestionably did not enjoy the support of its people, nevertheless managed to retain power thanks to the ever increasing support of the United States Government, which was preventing the popular insurrection from winning the day.

58. In their attempts to distort reality and to justify assistance to a genocidal regime, the United States leaders stuck at nothing. The Spanish press of 27 February had reported that the United States Ambassador had falsified the reports and statistics established by the Archdiocesan Legal Protection Office of El Salvador in order to show the State Department that far fewer murders had been committed in recent months by the "death squads". However, the Legal Protection Office's information indicated that the number of civilian murders attributable to those killers had declined simply because the army, responsible for 76 per cent of civilian deaths, was now taking over that assignment. Having been unable to falsify the latter figure, the Ambassador had affirmed that the civilians killed by the army had belonged to armed groups fighting side by side with guerrilla forces or that they had belonged to the auxiliary bodies which also took part in the fighting. The Legal Protection Office claimed, however, that during the last quarter of 1983 the army had murdered 120 civilians each month during operations in which there was no fighting. To justify the increase in military assistance to the Salvadorian Government, blame was frequently attached to the "death squads", whereas the chief offenders were the officers of the armed forces who acted in their own interests. That was an undeniable fact which it was becoming increasingly difficult to conceal. Very recently, the North American press reported the statements made in the Congress in Washington by a former Salvadorian army officer, who had accused military and civilian leaders, including the present Minister of Defence, and one of the candidates in the forthcoming so-called elections of being instigators of massacres or of covering up murders.

59. For more than 20 years, Guatemala had endured a reign of terror which abducted citizens, murdered them and tortured them with impunity. Succeeding governments rivalled each other in respect of atrocities. The report on the situation in Guatemala (E/CN.4/1984/30) left much room for improvement since, far from shedding light on the facts as the Rapporteur recommended, he in fact concealed reality by an extremely tortuous method of reasoning. There was ample proof of the report's lack of objectivity. For instance, the lifting of the state of siege, on 23 March 1983, was reported but the proclamation of the state of alert by Decree-Law No. 71/83, suspending all the guarantees of the citizen, was completely disregarded. Similarly, nothing was said about the discovery, on 23 June 1983, during the Rapporteur's visit to Guatemala of a secret graveyard 11 km from the Atlantic road. Neither was anything said about the abduction of two trade union leaders from the Escuintla sugar plantation, and of whom there was still no news. The Rapporteur had visited that plantation. Finally, one should note the discreet reference in annex II of the report to the support of the United States to the Movimiento de Liberación Nacional which had brought Castillo Armas to power, whereas there had been a veritable conspiracy by the Government of the United States against the constitutional Government of Guatemala and the operation had been carried out by the CIA.

60. He read out the last paragraph of chapter 8 as an example of the obscurity, which he deplored, of the report in document E/CN.4/1984/30 on Guatemala. One might wonder whether the Special Rapporteur was trying to infer in that paragraph that the security forces should refrain from murdering babies and elderly people and merely kill peasants legitimately suspected of waging subversive activities. The Rapporteur should explain such comments in the interests of the Commission. In conclusion, the current situation in Guatemala was characterized by an increasing number of massive violations of human rights, and more particularly by a generalized repression and by the murder or ~~large-scale~~ displacement of peasants and indigenous persons.

61. In Grenada, the United States of America was preventing the population from exercising its right to self-determination. Its invasion forces were committing atrocities and acts of torture, making large-scale arrests, detaining with trial or investigation, and persecuting all those who did not bow to its will. The United States of America continued to impose colonial status on Puerto Rico, but despite all kinds of pressure and the presence of military bases, the Puerto Rican people retained its desire for independence. In the Caribbean, the Netherlands also maintained colonies that were relics of the past. In the Netherlands, the Moluccans were unable to obtain Dutch nationality, while many foreign workers were unable to avail themselves of social security benefits and endured racial discrimination.

62. Discrimination against minorities, especially Indian, Black and Hispanic minorities, was an important aspect of the violation of human rights in the United States of America. The Indians were especially affected. Over 75 per cent suffered from hunger or malnutrition, and the unemployment rate had reached 70 per cent. One third of children died during the first year and the average expectation of life was scarcely 40 years. The funding of programmes on behalf of the Indians had been cut by 34 per cent in 1982 and 31 per cent in 1983. The weekly review The Nation had described the policy as nothing less than genocide. Further, 55.6 per cent of Blacks and 29.9 per cent of Hispanics lived below the threshold of poverty, compared with 12 per cent in the case of the white population.

63. Prisons in the United States of America, where ill-treatment was a daily occurrence, showed a record number of inmates, with 405,371, of whom 29,403 were in Federal prisons at 30 September 1982, or 20 per cent more than the estimated capacity of those prisons. A recent development was that Mexican workers without papers might be interned in prisons administered by private individuals. An establishment of that kind would shortly be opened in Houston, Texas. The immigration services had approved the project and would pay \$23.5 a day to the responsible private enterprise, which would be a saving for the authorities! An establishment of the same kind was scheduled to open in Pasadena, near Los Angeles, California. The International General Workers' Union, whose headquarters was Los Angeles had condemned the project, affirming that it violated human rights.

64. In the United States of America, it had been estimated that 5.5 million illegal immigrants were employed in farms, factories and elsewhere. Out of that figure, over half a million people worked in conditions approximating to slavery, under "contracted debt" and "direct constraint" systems. Under the "contracted debt" system, agricultural workers were required to make their purchases in shops on the holdings where they were employed, and on credit. Thus, they were

constantly in debt, since their wages were inadequate. The other system, "direct constraint", consisted of using illegal workers without payment or paying them badly, under the supervision of armed guards. Thousands of illegal immigrants were employed in unhealthy work; in Illinois, 30 had been poisoned by cyanide vapours and a number had died. Those workers were not entitled to any social protection. At present, certain garment industries employed illegal immigrants exclusively, paying them very low wages. That was the treatment meted out to human beings in the country that portrayed itself as the cradle of the "free world".

65. Mr. TERENCE (Interparliamentary Union) pointed out that document E/CN.4/1984/NGO/29 took stock of the activities undertaken by his organization since January 1977 under the Procedure for the examination and treatment of communications concerning violations of the human rights of parliamentarians. The Interparliamentary Union had elected to concentrate its human rights activities on individual cases of parliamentarians, without making any judgement of political regimes.

66. As stated in paragraph 6 of document E/CN.4/1984/NGO/29, the Special Committee of five parliamentarians entrusted with implementing the above-mentioned procedure had studied in camera 420 individual cases in 35 countries, and had received confirmation of the release of 201 out of 242 detained parliamentarians. The Special Committee had learned that a large number of the releases were directly attributable to the intervention of the Interparliamentary Union. The results had been obtained with a minimum of staff, but maximum activity on the part of the members of the Union.

67. For instance, the Nigerian Parliament had sent missions to two African countries which had resulted in the release of 14 parliamentarians in one country and 38 in the other. Parliaments that were members of the Union frequently had recourse to that system or others, and their contacts with the authorities of the countries in which cases were under review were usually satisfactory. An increasing number of situations was settled without recourse to the public phase of the procedure. The Interparliamentary Union was in a particularly privileged situation, partly because it was in a position to follow a case until it was finally settled and partly because it could rely on the support of parliamentarians in all the countries of the world.

68. Mr. DUBEY (India) recalled that at its thirty-ninth session, the Commission had decided to take up the question of human rights in Cyprus on a priority basis, under item 12, during its current session. The decision had since been justified still further by the turn of events, which had sometimes been disquieting, as the report of the Secretary-General appearing in document E/CN.4/1984/31 showed. The question had been on the Commission's agenda since 1976, when a large proportion of Cyprus had been occupied by foreign forces. The occupation had caused much suffering and, subsequently, thousands of refugees had been denied their basic rights. In the past, the Commission had called for the implementation in Cyprus of the principles of the Charter and the Universal Declaration. It had asked that all the refugees should have the opportunity of returning to their homes and also that the fate of the missing persons should be elucidated. Today, it was urgently necessary to reiterate that call.

69. At the Commonwealth Summit Conference held in New Delhi in November 1983, the Prime Minister of India, Mrs. Indira Gandhi had stated that "the unilateral

declaration of independence by the so-called Turkish Cypriot Assembly in the occupied part of Cyprus is patently illegal". Mrs. Gandhi had called for the sovereignty and territorial integrity of Cyprus to be preserved, affirming that they should be guaranteed by the Commonwealth, the Non-Aligned Movement and the United Nations. Further, the Summit Conference of Non-Aligned Countries held in New Delhi in March 1983 had emphasized "the urgent need for the voluntary return of the refugees to their homes, respect for the human rights and fundamental freedoms of all Cypriots, and the speedy accounting for those missing". The Conference had also "condemned all efforts or actions aimed at altering the demographic structure of Cyprus". Respect for human rights in Cyprus required the end of foreign occupation and the withdrawal of foreign forces; that must happen in order to enable refugees to return to their homes, to end the anguish of the families of missing persons and to enable the people of Cyprus to enjoy their civil, political, economic, social and cultural rights. The Commission must continue its efforts patiently until its objectives were achieved.

70. Turning to the report on summary or arbitrary executions (E/CN.4/1984/29) and to the important statement by the Special Rapporteur, Mr. Wako, he said that his delegation strongly supported that important exercise, and all the more since Indian culture was based on respect for all forms of life. Another reason was his delegation's high regard for Mr. Wako.

71. After the "exploratory" exercise which Mr. Wako had submitted at the thirty-ninth session, the present report had acquired a structured form and a definite direction. One of the advantages of the study, which was an ongoing exercise, was that it provided a monitoring mechanism within the Commission. His delegation thought that it should be geared to the summary or arbitrary aspect of the deaths caused by State agencies or officials. Obviously, the question of the death penalty did not come within its scope. Along the lines he had stated, the Special Rapporteur should consider, in the case of the countries where summary or arbitrary executions occurred, the following: whether the rule of law prevailed, whether there were democratic institutions, whether the judiciary was independent of the executive, whether the actions of the security forces were controlled by the civilian authorities, whether judicial remedies were available, whether the press was free and whether there were other ways and means of ventilating public grievances. Such criteria should simplify the assessments made by the Special Rapporteur.

72. The Special Rapporteur had also undertaken a review of national legislation which was most interesting and should be continued; the review should show up those aspects of legislations which could have an adverse impact on the right to life, such as retroactive legislation, special courts and the denial of a fair trial. Mr. Wako had also emphasized the need for law enforcement officials to abide by the Code of Conduct for Law Enforcement Officials drawn up under United Nations auspices. His analysis of situations in which summary and arbitrary executions usually took place deserved further study, and should enable the root causes of those situations to be identified. In conclusion, he hoped that governments would extend full co-operation to the Special Rapporteur.

73. Mr. BAKARAT (Jordan) speaking in exercise of the right of reply, recalled that on the previous day, the observer for Israel had treated the Commission to a melodramatic performance on the supposed persecution of Jews in the Arab world. The issue thus raised was a broad one, and he would merely make a few points in reply.
74. In the first place, it was widely recognized that Jews had enjoyed a relatively higher status in Islamic countries than elsewhere. That was why, whenever the political power of Islam had receded, the Jews had elected to accompany the Muslims, since they had been protected and enjoyed considerable political, religious, cultural and economic freedom in the Muslim countries. It was indeed interesting to compare that treatment of the Jews with the treatment of Muslims and Christians in Israel, where the Jews enjoyed political predominance.
75. The representative of Israel had tried to persuade the Commission that the Jews of the Arab world had been evicted from their homes. He forgot that the *raison d'être* for the establishment of Israel had been the ingathering of Jews from all over the world, and that the Zionists had done everything in their power to detach Jewish communities from the countries where they had been living, thus creating a feeling of alienation and therefore of insecurity which had not existed in those communities before. That was also true in the case of the Jews in the Arab world.
76. Israel cynically claimed that it wanted to live in peace with its Arab "cousins", but its claim was disproved by acts such as the massacre of Deir Yassin and those of Sabra and Chatila, the denial of the rights of the Palestinians and the systematic violation of the rights of the inhabitants of the occupied territory. If the Commission believed the curious interpretation of history put forward by the Observer for Israel, it would believe anything.
77. Mr. MAHBOUB (Observer for Iraq) replying to an allegation made by Amnesty International, said that his country's criminal law was consistent with its Constitution and international obligations. However, private individuals and the State must be protected against offences against the social order. In Iraq, those who did not commit such offences enjoyed complete freedom.
78. It was regrettable that Amnesty International sought to exert pressure on Governments and allowed itself to be misled by progaganda from doubtful sources and unsupported by any evidence. Representatives of that organization had visited Iraq and had been able to undertake an investigation, but they had found no evidence. Iraq would continue, however, to work with Amnesty, making all the facilities it needed available to it to enable it to discharge its humanitarian role.
79. Mrs. GU YIGIE (China) speaking in exercise of the right of reply, referred to a comment by Amnesty International on the sentences inflicted on criminals in China. She explained that since September 1983, with the support of the Steering Committee of the National People's Congress, the legal organs of China had stepped up actions against persons guilty of such acts as murder, rape, robbery or sabotage. A number of those persons had lately been sentenced to death: the verdicts had been delivered on a legal basis, in accordance with the procedures of the Chinese criminal code.

80. There had since been a notable improvement in the situation and the crime rate in China had declined to the lowest level in the country's history. The action which had led to those results had been approved by the peasants, workers and the people as a whole. Foreign correspondents had also acknowledged the results that had been achieved. The reply to Amnesty International's allegation concerning "summary executions" was that China was a sovereign country, which was entitled to apply its own laws to put an end to assassinations, rape and similar offences. The National People's Congress was promulgating legislation to protect the Chinese people. To refrain from punishing offenders would be an act of cruelty towards the majority of the people. Offenders were condemned on the basis of evidence and in accordance with legal procedures in force; there were no summary or arbitrary executions in China.

The meeting rose at 1.05 p.m.